

CASE

NUMBER:

99-113

Construct
CELL SITE - 809 SOUTH PARK ROAD - ELIZABETHTOWN, HARDIN

IN THE MATTER OF THE APPLICATION OF WIRELESSCO, L.P. BY AND
THROUGH ITS AGENT AND GENERAL PARTNER SPRINT SPECTRUM, L.P.,
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO CONTRACT A PERSONAL COMMUNICATIONS SERVICES
FACILITY IN THE LOUISVILLE MAJOR TRADING AREA
(VALLEY VIEW FACILITY)

SEQ NBR	ENTRY DATE	REMARKS
M0001	02/24/99	SANDRA KEENE / WIRELESS CO.-NOTICE OF INTENT TO FILE
0001	04/16/99	Application.
0002	04/19/99	Acknowledgement letter.
M0002	05/10/99	SANDRA KEENE WIRELESSCO, L.P.-TO SUBMIT MATTER FOR APPROVAL ON THE RECORD
0003	05/14/99	Deficiency letter, response due 5/29/99.
M0003	05/25/99	SANDRA KEENE-RESPONSE TO NOTICE OF DEFICIENCY
0004	05/26/99	Deficiency cured letter.
M0004	06/08/99	SANDRA KEENE WIRELESSCO-MOTION TO SUBMIT MATTER FOR APPROVAL ON THE RECORD
M0005	06/10/99	SPRINTCOM SANDRA KEENE-MOTION TO SUBMIT MATTER FOR APPROVAL ON THE RECORD
0005	06/11/99	Final Order granting a Certificate to construct and operate the PCS site.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
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Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

November 9, 1999

Mr. Jeffrey M. Pfaff
Legal/Regulatory Department
Spring Spectrum, L.P.
C/O Spring PCS
4900 Main St., 11th Floor
Kansas City, MO 64112

Re: Case No. 99-113 UAC
Second Non-Compliance Reminder Letter

Dear Mr. Pfaff:

The Commission entered the Final Order in this case on June 11, 1999 . The Final Order requires that WirelessCo, L.P. shall file a copy of the final decision regarding the pending KAZC application for this site within 10 days of receiving the decision.

You must comply with this requirement not later than 10 days from the date of this letter. If you do not submit the application, you will cause the Commission to take all appropriate legal remedies against you. If you have any questions concerning this filing, please contact Howell Brady, Principal Assistant to the Executive Director, at 502-564-3940, extension 265.

Yours truly,

A handwritten signature in black ink, appearing to read "H. Howell Brady, Jr.", written over a horizontal line.

H. Howell Brady, Jr.
Principal Assistant to the Executive Director

HB/lc

C: The Honorable Sandra F. Keene





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

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CERTIFICATE OF SERVICE

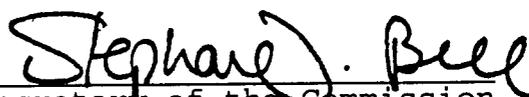
RE: Case No. 99-113 UAC
SPRINT SPECTRUM, L.P. AGENT FOR WIRELESSCO., L.P.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on June 11, 1999.

Parties of Record:

Jeffrey M. Pfaff
Legal/Regulatory Department
Sprint Spectrum, L.P.
c/o Sprint PCS
4900 Main Street, 11th. Floor
Kansas City, MO. 64112

Honorable Sandra F. Keene
Attorney at Law
Tilford, Dobbins, Alexander
Buckaway & Black
1400 One Riverfront Plaza
Louisville, KY. 40202


Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WIRELESSCO, L.P. THROUGH ITS AGENT)
AND GENERAL PARTNER, SPRINT SPECTRUM, L.P. FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE) CASE NO.
AND NECESSITY TO CONSTRUCT A PERSONAL) 99-113-UAC
COMMUNICATION SERVICES FACILITY IN THE LOUISVILLE)
MAJOR TRADING AREA [VALLEY VIEW FACILITY])

O R D E R

On May 25, 1999, Sprint Spectrum, L.P. on behalf of WirelessCo, L.P. filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications system ("PCS") facility in the Louisville Major Trading Area, which encompasses the entire Commonwealth of Kentucky. WirelessCo, L.P. has requested authorization to construct a PCS site in Hardin County. WirelessCo, L.P. was previously granted the authority to operate in Case No. 96-077.¹

The proposed site is to be located at 809 South Park Road in Elizabethtown, Hardin County, Kentucky ("the Valley View PCS site"). The coordinates for the Valley View PCS site are North Latitude 37° 40' 33.3" by West Longitude 85° 50' 18.8".

¹ Case No. 96-077, The Application of WirelessCo, L.P., d/b/a Sprint Telecommunications Venture for Operating Authority and Issuance of Certificate of Public Convenience and Necessity to Construct Commercial Mobile Radio Service Transmission Facilities in Kentucky.

WirelessCo, L.P. has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Valley View PCS site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Registered Professional Engineer has certified the plans.

Pursuant to KRS 100.987(2), WirelessCo, L.P. has submitted the uniform application and received approval from the City of Elizabethtown Planning and Development Commission for the proposed construction. WirelessCo, L.P. has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Valley View cell site. The FAA approved the site while the KAZC application is pending.

WirelessCo, L.P. has verified that each person who owns property within 500 feet of the Valley View PCS site has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after WirelessCo, L.P.'s application was filed. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, WirelessCo, L.P. should notify the Commission if it does not use this antenna tower to

provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by WirelessCo, L.P.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that WirelessCo, L.P. should be granted a Certificate of Public Convenience and Necessity to construct and operate the Valley View PCS site under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. WirelessCo, L.P. is granted a Certificate of Public Convenience and Necessity to construct and operate the Valley View PCS site.
2. WirelessCo, L.P. shall file a copy of the final decision regarding the pending KAZC application for this site within 10 days of receiving the decision.
3. WirelessCo, L.P. shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 11th day of June, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
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May 26, 1999

Jeffrey M. Pfaff
Legal/Regulatory Department
Sprint Spectrum, L.P.
c/o Sprint PCS
4900 Main Street, 11th. Floor
Kansas City, MO. 64112

Honorable Sandra F. Keene
Attorney at Law
Tilford, Dobbins, Alexander
Buckaway & Black
1400 One Riverfront Plaza
Louisville, KY. 40202

RE: Case No. 99-113 UAC
SPRINT SPECTRUM, L.P. AGENT FOR WIRELESSCO., L.P.

The Commission staff has reviewed your response of May 25, 1999 and has determined that your application in the above case now meets the minimum filing requirements set by our regulations. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further information, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/sh
Enclosure

FILED

MAY 25 1999

PUBLIC SERVICE
COMMISSION

FOR THE PUBLIC RECORD

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

RECEIVED

APR 16 1999

PUBLIC SERVICE
COMMISSION

In the matter of:

APPLICATION OF WIRELESSCO, L.P. BY AND)
 THROUGH ITS AGENT AND GENERAL PARTNER)
 SPRINT SPECTRUM, L.P., FOR ISSUANCE OF A)
 CERTIFICATE OF PUBLIC CONVENIENCE AND)
 NECESSITY TO CONSTRUCT A PERSONAL) CASE NO. 99-113 UAC
 COMMUNICATIONS SERVICES FACILITY)
 IN THE LOUISVILLE MAJOR TRADING AREA)
 [VALLEY VIEW FACILITY])

WirelessCo., L.P., by and through its agent and general partner, Sprint Spectrum, L.P.,
 have filed a joint application to construct a wireless telecommunications facility at 809 South Park
 Road, Elizabethtown, Hardin County, Kentucky. The coordinates for the proposed facility are:
 Latitude: 37-40-33.25; Longitude: 085-50-28.77.



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Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

May 14, 1999

Mr. Jeffrey M. Pfaff
Legal/Regulatory Department
Sprint Spectrum, L.P.
c/o Sprint PCS
4900 Main Street, 11th. Floor
Kansas City, MO 64112

Honorable Sandra F. Keene
Attorney at Law
Tilford, Dobbins, Alexander
Buckaway & Black
1400 One Riverfront Plaza
Louisville, KY 40202

Re: Case No. 99-113 UAC
Filing Deficiencies

Dear Mr. Pfaff and Ms. Keene:

The Commission staff has reviewed your application in the above case. This filing is rejected pursuant to 807 KAR 5:001, Section 2, for the reasons set forth below. These items are either required to be filed with the application or to be referenced in the application if they are already on file in another case or will be filed at a later date.

Filing deficiency pursuant to 807 KAR 5:063, Section 4(1):

A statement that there is no reasonably available opportunity to co-locate, including documentation of attempts to co-locate, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the utility attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures, such as a telecommunications tower, or another suitable structure capable of supporting the utility's facilities.



Filing deficiency letter
Case No. 99-113 UAC
Page Two

A map of the area in which the tower is proposed to be located, that is drawn to scale and that clearly depicts the search area in which a site should, pursuant to radio frequency requirements, be located.

Filing deficiency pursuant to KRS 100.987(2); 807 KAR 5:063, Section 4(2):

A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:

1. All of the planning unit's jurisdiction; and
2. A one-half (½) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers.

The statutory time period in which the Commission must process this case will not commence until the above-mentioned information is filed with the Commission. You are requested to file one copy of this information within 15 days of this letter. If you need further information, please contact Jeff Johnson of my staff at 502-564-3940 extension 417.

Sincerely,



Stephanie Bell
Secretary of the Commission

sh





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

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April 19, 1999

Jeffrey M. Pfaff
Legal/Regulatory Department
Sprint Spectrum, L.P.
c/o Sprint PCS
4900 Main Street, 11th. Floor
Kansas City, MO. 64112

Honorable Sandra F. Keene
Attorney at Law
Tilford, Dobbins, Alexander
Buckaway & Black
1400 One Riverfront Plaza
Louisville, KY. 40202

RE: Case No. 99-113 UAC
SPRINT SPECTRUM, L.P. AGENT FOR WIRELESSCO., L.P.
(Construct) CELL SITE - 809 SOUTH PARK ROAD - ELIZABETHTOWN, HARDIN

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received April 16, 1999 and has been assigned Case No. 99-113. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

Stephanie Bell
Stephanie Bell
Secretary of the Commission

SB/jc

FILED

MAY 25 1999

PUBLIC SERVICE
COMMISSION

FOR THE PUBLIC RECORD

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

RECEIVED

APR 16 1999

PUBLIC SERVICE
COMMISSION

In the matter of:

APPLICATION OF WIRELESSCO, L.P. BY AND)
 THROUGH ITS AGENT AND GENERAL PARTNER)
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TILFORD, DOBBINS, ALEXANDER,
BUCKAWAY & BLACK

ATTORNEYS AT LAW

1400 ONE RIVERFRONT PLAZA
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STUART E. ALEXANDER, JR.
WILLIAM A. BUCKAWAY, JR.
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TERRELL L. BLACK
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THOMAS J. B. HURST
H. KEVIN EDDINS¹

CAROLYN K. BALLEISEN²

RANDOLPH NOE¹
MICHAEL G. KAREM⁴
* Of Counsel

RECEIVED

MAR 24 1999

HENRY J. TILFORD (1880-1968)
CHARLES W. DOBBINS (1916-1992)
DONALD H. BALLEISEN (1908-1994)
LAWRENCE W. WETHERBY (1908-1994)

TELECOPIERS
(502) 584-2318
(502) 587-1806

¹ Also admitted in Indiana

² Also admitted in New York

³ Also admitted in District of Columbia
and Maryland

⁴ Also admitted in District of Columbia

NOTICE OF INTENT TO FILE A CELL SITE APPLICATION

March 23, 1999

Stephanie Bell
Secretary of the Commission
Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

RE: Case No. 99-113 UAC

Dear Ms. Bell:

This letter is to confirm my request for a case number on March 23, 1999. The Application is on behalf of WirelessCo., L.P., for a cell site located at 809 South Park Road, Elizabethtown, Hardin County, Kentucky. I was given Case Number 99-113 UAC. We intend to file the Application no later than April 16, 1999, and we understand that the Case Number assigned to us in this matter may be reassigned if we have not submitted an Application by this date. If there are any questions, you may contact Mark Dobbins, Sandra Keene, or Heather Kuhn at 502-584-6137.

Thank you for your attention in this matter.

Sincerely,



Sandra F. Keene